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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,234

05/14/2007

Ofer Ben-Zur

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12/06/2010

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EXAMINER

LIU, KENDRICK X

ART UNIT

PAPER NUMBER

2861

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/589,234	BEN-ZUR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KENDRICK X. LIU	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 82-109 is/are pending in the application.
- 4a) Of the above claim(s) 82-95, 100 and 103-109 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 96, 97, 99, 101 and 102 is/are rejected.
- 7) ☒ Claim(s) 98 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/4/08 7/21/08 7/26/09 9/17/09 4/26/10 6/24/10</u>            | 6) <input type="checkbox"/> Other: _____                          |

## **NON-FINAL REJECTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of **Group III, Species A and Species i** as readable on **claims 96-99, 101 and 102** in the reply filed on **28 October 2010** is acknowledged. The traversal is on the ground(s) that "the first species is generic to the second species, which relates to a first linear motion X axis stage, and a second linear motion X axis stage mounted on the frame parallel to the first." This is not found persuasive because the Applicant states that the second linear motion X axis stage mounted on the frame parallel to the first is "another embodiment" (FIGs. 2A, 2B and 2C), and Species A, B and C and Species i and ii are mutually exclusive. The requirement is still deemed proper and is therefore made FINAL.

2. **Claims 82-95, 100 and 103-109** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Groups I, II and IV-VIII, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on **28 October 2010**.

3. **Claims 1-81** are canceled.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 96, 97 and 99** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fulkerson et al. (US Patent 6,059,391)** in view of **Goldberg et al. (US Patent 6,513,924 B1)**.

Regarding **claim 96**, Fulkerson et al. disclose or suggest a “printing system for printing on a surface” (ink jet printing apparatus 10, FIG. 1) comprising “at least one

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printing apparatus comprising at least one ink applicator operative to print an image over at least a part of said surface” (stationary ink-jet printing station 12, FIG. 1).

Fulkerson et al. fail to disclose or suggest “at least one wetting apparatus comprising at least one liquid applicator operative with said ink applicator to apply a wetting composition over at least a portion of said part of said surface prior to printing, said wetting composition being capable of interfering with the engagement of a liquid ink composition with at least one binding side of said surface.”

However, Goldberg et al. disclose or suggest “at least one wetting apparatus comprising at least one liquid applicator operative with said ink applicator to apply a wetting composition over at least a portion of said part of said surface prior to printing, said wetting composition being capable of interfering with the engagement of a liquid ink composition with at least one binding side of said surface” (first spray device 66, FIG. 3, col. 1 lines 54-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus as disclosed or suggested by Fulkerson et al. by using at least one wetting apparatus for the benefit of providing ink jet printed textiles with patterns that are durable, vibrant and do not fade from washing or exposure to the sun as disclosed or suggested by Goldberg et al. (col. 1 lines 40-53).

Regarding **claim 97**, Fulkerson et al. further disclose or suggest “at least one controller operative to control said at least one liquid applicator to apply said wetting composition onto selected parts of said surface” (PC 80, FIG. 3).

Regarding **claim 99**, Fulkerson et al. further disclose or suggest the printing system further comprising:

- a “rigid frame” (platform 18, FIG. 1);

- a “linear motion X-axis mounted on said frame” (continuous belt 21, FIGs. 1 and 3);

- “at least one table assembly, operative to bear a printable medium, movable on said linear X-axis” (palette 14, FIGs. 1 and 3);

- a “bridge mounted on said frame perpendicular to said linear X-axis, above said table assembly” (pair of frame braces 42, FIG. 3);

- a “linear motion Y-axis stage mounted on said frame perpendicular to said linear X-axis stages, above said printing table assembly” (threaded rod 43, FIG. 3); and

- said at least one ink applicator mounted on said linear Y-axis stage for linear motion perpendicular to said X-axis stage” (printing head 24, FIG. 3).

Fulkerson et al. further fail to disclose or suggest said at least one liquid applicator “mounted on said bridge.”

However, it would have been obvious to one of ordinary skill to mount the liquid applicator as disclosed or suggested by Goldberg et al. on the bridge as disclosed or suggested by Fulkerson et al. above the printable medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus as disclosed or suggested by Fulkerson et al. and Goldberg et al. by mounting the liquid applicator and the ink applicator on the bridge so that both the liquid applicator and the ink applicator are above the printable medium near one another.

Regarding **claim 101**, Fulkerson et al. further disclose or suggest said image is from a “photograph” (Adobe PhotoShop, col. 12 lines 54-67).

Regarding **claim 102**, Fulkerson et al. further disclose or suggest said surface comprises of “at least one of fibrous material, porous material, material having a high surface tension with said liquid ink” (textile material, col. 1 lines 6-10).

### ***Allowable Subject Matter***

7. **Claim 98** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding **claim 98**, no prior art has been discovered to show or suggest a printing system with an ink applicator comprising at least one retractable bath carrying a thinner liquid, said thinner liquid operative to prevent said wetting composition from drying within said liquid applicator, said retractable bath positioned beneath said liquid applicator and operative to be retracted on demand to expose said liquid applicator to apply said wetting composition onto said surface. Therefore, in light of the disclosed prior art, it would not have been obvious for one of ordinary skill in the art at the time the invention was made to modify a printing system with an ink applicator to comprise the retractable bath carrying a thinner liquid as described above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENDRICK X. LIU whose telephone number is (571)270-3798. The examiner can normally be reached on Monday-Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW LUU/  
Supervisory Patent Examiner, Art  
Unit 2861

4 December 2010  
/Kendrick X Liu/  
Examiner, Art Unit 2861